

SECOND REGULAR SESSION

SENATE BILL NO. 883

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR ENGLER.

Read 1st time January 17, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

4350S.011

AN ACT

To repeal sections 354.150, 354.495, 374.160, and 374.230, RSMo, and to enact in lieu thereof four new sections relating to funding for the department of insurance.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 354.150, 354.495, 374.160, and 374.230, RSMo, are
2 repealed and four new sections enacted in lieu thereof, to be known as sections
3 354.150, 354.495, 374.160, and 374.230, to read as follows:

354.150. Every health services corporation subject to the provisions of
2 sections 354.010 to 354.380 shall pay the following fees to the director of
3 insurance for enforcement of the provisions of this chapter:

4	[Issuance of certificate of authority	\$150.00
5	Filing articles of amendment	\$ 20.00
6	Filing each annual statement	\$100.00
7	Filing articles of acceptance and issuing a	
8	certificate of acceptance	\$ 20.00
9	Filing any other statement or report	\$ 1.00
10	For a certified copy of any document or	
11	other paper filed in the office of the director,	
12	per page	\$.35
13	For the certificate and for affixing the seal	
14	thereto	\$ 10.00
15	For filing statement and pertinent admission	
16	papers required of a foreign health	
17	services corporation	\$200.00
18	For copies of papers, records and documents filed	

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 in the office of the director, an amount not
 20 to exceed, at the director's discretion \$ 1.00
 21 per page

22 For each service of process upon the director, on
 23 behalf of the health services corporation \$ 10.00]

24 **(1) For filing the declaration required on organization of each**
 25 **domestic company, two hundred fifty dollars;**

26 **(2) For filing statement and certified copy of charter required of**
 27 **foreign companies, two hundred fifty dollars;**

28 **(3) For filing application to renew certificate of authority, along**
 29 **with all required annual reports, including the annual statement,**
 30 **actuarial statement, risk based capital report, report of valuation of**
 31 **policies or other obligations of assurance, and audited financial report**
 32 **of any company doing business in this state, one thousand five hundred**
 33 **dollars;**

34 **(4) For filing any paper, document, or report not filed under**
 35 **subdivisions (1), (2), or (3) of this section but required to be filed in the**
 36 **office of the director of the department of insurance, fifty dollars each;**

37 **(5) For affixing the seal of office of the director of the**
 38 **department of insurance, ten dollars;**

39 **(6) For accepting each service of process upon the company, ten**
 40 **dollars.**

354.495. Every health maintenance organization subject to sections
 2 354.400 to 354.550 shall pay to the director the following fees:

3	[(1) Issuance or renewal of certificate of	
4	authority	\$ 150.00
5	(2) Filing of articles of amendment	1.00
6	(3) Filing each annual statement	100.00
7	(4) Filing articles of acceptance and issuing	
8	a certificate of acceptance	20.00
9	(5) Filing any other statement or report	20.00
10	(6) For the certification of any document, and	
11	affixing the seal thereto	10.00
12	(7) For filing statement and pertinent admission	
13	papers required of a foreign health	
14	maintenance organization	200.00

- 15 (8) For each appointment of an agent by the
- 16 health maintenance organization 5.00
- 17 (9) For copies of papers, records and documents
- 18 filed in the office of the director, an
- 19 amount not to exceed, at the director's
- 20 discretion 1.00
- 21 per page
- 22 (10) For each service of process upon the
- 23 director, on behalf of the health
- 24 maintenance organization 10.00]
- 25 **(1) For filing the declaration required on organization of each**
- 26 **domestic company, two hundred fifty dollars;**
- 27 **(2) For filing statement and certified copy of charter required of**
- 28 **foreign companies, two hundred fifty dollars;**
- 29 **(3) For filing application to renew certificate of authority, along**
- 30 **with all required annual reports, including the annual statement,**
- 31 **actuarial statement, risk based capital report, report of valuation of**
- 32 **policies or other obligations of assurance, and audited financial report**
- 33 **of any company doing business in this state, one thousand five hundred**
- 34 **dollars;**
- 35 **(4) For filing any paper, document, or report not filed under**
- 36 **subdivisions (1), (2), or (3) of this section but required to be filed in the**
- 37 **office of the director of the department of insurance, fifty dollars each;**
- 38 **(5) For affixing the seal of office of the director of the**
- 39 **department of insurance, ten dollars;**
- 40 **(6) For accepting each service of process upon the company, ten**
- 41 **dollars.**

374.160. 1. The expenses of examinations, valuations or proceedings
 2 against any company, and for dissolving or settling the affairs of companies are
 3 to be paid by the company, or as provided by law. The state shall not be
 4 responsible in any manner for the payment of any such expenses, or any charges
 5 connected therewith.

2. All other expenses of the department of insurance now or hereafter
 7 incurred and unpaid, or that may be hereafter incurred, including the salaries of
 8 the director and deputy director, shall be paid out of the state treasury in the
 9 manner provided by law.

10 3. The director shall assess the expenses of any examination against the
11 company examined and shall order that the examination expenses be paid into
12 the insurance examiners fund created by section 374.162. [The director shall also
13 assess an additional amount equal to fifteen percent of the total expenses of
14 examination, to be paid for the supervision and support of the examiners. The
15 insurance examiner's sick leave fund created by sections 374.261 to 374.267 shall
16 be combined with the insurance examiners fund.] **This assessment shall**
17 **include the costs of compensation, including benefits, for the**
18 **examiners, analysts, actuaries, and attorneys directly contributing to**
19 **the examination of the company, any reasonable travel, lodging, and**
20 **meal expenses related to an on-site examination, and other expenses**
21 **related to the examination of the company, including an allocation for**
22 **examiners' office space, supplies, and equipment, but not expenses**
23 **associated with attending a course, seminar, or meeting, unless solely**
24 **related to the examination of the company assessed.** The director shall
25 pay from the insurance examiners fund the compensation of insurance examiners
26 [pursuant to section 374.115, any expenses to be paid from such sick leave fund
27 under sections 374.261 to 374.267, and expenses incurred for supervision and
28 support of the examiners], **analysts, actuaries, and attorneys, including**
29 **standard benefits afforded to state employees, for performance of any**
30 **such examination and other expenses covered in the assessment.** The
31 general assembly shall annually provide appropriations sufficient to distribute
32 all receipts into the insurance examiners fund. The provisions of section 33.080,
33 RSMo, relating to the transfer of unexpended balances to the general revenue
34 fund shall not apply to the insurance examiners fund.

35 4. If any company shall refuse to pay the expenses of any examination,
36 valuation or proceeding assessed by the director pursuant to this section, the
37 company shall be liable for double the amount of such expenses and all costs of
38 collection, including attorney's fees. The company shall not be entitled to a
39 credit, pursuant to section 148.400, RSMo, for any fees, expenses or costs ordered
40 pursuant to this subsection other than in the amount of the expenses originally
41 assessed by the director. All amounts collected pursuant to this subsection shall
42 be credited to the insurance examiners fund.

 374.230. Every insurance company doing business in this state shall pay
2 to the director of revenue the following fees:

3 (1) [For making valuations of policies or other obligations of assurance,

4 one thousand dollars for all ordinary forms of policies, and the cost of computing
5 special evaluation tables for policy forms requiring such shall be added;

6 [(2)] For filing the declaration required on organization of each company,
7 **two hundred** fifty dollars;

8 [(3)] **(2)** For filing statement and certified copy of charter required of
9 foreign companies, **two hundred** fifty dollars;

10 [(4)] **(3)** For filing **application to renew certificate of authority,**
11 **along with all required annual reports, including the** annual statement,
12 **actuarial statement, risk based capital report, report of valuation of**
13 **policies or other obligations of assurance, and audited financial report**
14 of any company doing business in this state, [two hundred fifty] **one thousand**
15 **five hundred** dollars;

16 [(5)] **(4)** For filing supplementary annual statement of any company
17 doing business in this state, [ten] **fifty** dollars;

18 [(6)] **(5)** For filing any [other] paper, **document, or report not filed**
19 **under subdivisions (1), (2), or (3), but** required to be filed in the office of the
20 director of the department of insurance, fifty dollars each;

21 [(7)] **(6)** For [each agent's] a copy of [his] a company's certificate of
22 authority or **producer or agent** license, [two] **ten** dollars;

23 [(8)] For copies of papers, records, and documents filed in the office of the
24 director of the department of insurance, twenty cents per folio;

25 [(9)] **(7)** For affixing the seal of office of the director of the department of
26 insurance, ten dollars;

27 [(10)] **(8)** For accepting each service of process upon the company, ten
28 dollars.

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